

Memorandum of Conversation

DATE: October 30, 1969  
TIME: 10:30 A.M.  
PLACE: ACDA Conference Room

SUBJECT: US-German NPT Discussions  
(3rd Session)

PARTICIPANTS: (See Attached List)

*German Embassy*

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DISDEL (3) CIA - Mr. Evans  
USUN New York (2) AEC - Mr. Labowitz (2)

Ambassador Roth suggested that the discussions focus on only those talking points for which there was not yet common understanding. Beginning with Point 7, he suggested that the sentence indicating that "the FRG will remain free together with other European states to take the necessary security measures," be changed to read "together with its European and other allies...". Mr. Farley agreed that this would be helpful but asked whether the FRG was reluctant to refer specifically to NPT Article X and its provision for withdrawal. Ambassador Roth explained that the FRG did not wish to maintain that withdrawal was the only recourse available and that the kind of action to be taken would depend on the future situation. Mr. Farley said that even with the FRG change, he was not sure that the text was entirely satisfactory. Why refer, he said, to "supreme interests in jeopardy" if withdrawal was not contemplated? Presumably, any alternative solution involved nuclear defense. At this point he handed to Ambassador Roth a suggested alternative text, which he indicated was intended to serve the same purpose. Ambassador Roth explained that the so-called European option figured in the FRG thinking here. He agreed, however, to consider the US language and to discuss it further that afternoon. Mr. Farley said that the US was not wedded to the specific wording offered, so long as the thought was retained.



In Interpretation g), Mr. Ramisch noted that the reference to "concluding the agreement with IAEA" was in conformity with language from Article III of the NPT, and that the FRG would therefore wish to retain the reference. He agreed to change the word "decisive" to "dominant". Mr. Van Doren agreed with both of Mr. Ramisch's points.

Ambassador Roth said that the technical talk earlier in the morning between members of both delegations had resulted in an acceptable clarification of the US position on the problem of concluding an Euratom/IAEA safeguards agreement within the two year time period. He understood that the Rogers "rule of reason" statement still stood. He had no further comments to make on the talking points.

Mr. Farley then turned to paragraph (12) of the draft FRG statement to be made at time of signature. He suggested changing the language to draw directly on the phraseology of Article III of the Treaty text. Prof. Haefele could not agree to this suggestion since, as he explained Article III (3) did not talk in terms of "furtherance" of the principle of safeguarding at strategic points, as the Preamble did. Therefore, he felt that there should be a broad permissive interpretation of the "principle of safeguarding" to allow the strategic points concept to become the regular inspection method.

Mr. Kratzer thought the difficulty could be resolved since both sides agreed that an evolutionary process was taking place in the development of safeguards and that the principal of "safeguarding... at certain strategic points" was not in effect now. He recognized that the language in Article III (3) could be construed as a requirement to have only instrumented safeguards techniques from the outset of entry into force of the Treaty, but this was certainly not the meaning the US and most countries ascribed to the Article. Mr. Farley suggested changing paragraph (12) of the FRG statement to read "in accordance with Article III and the principle, etc." Ambassador Roth said the German side would attempt to redraft the language in question and discuss it at a later session. Mr. Kratzer noted that the last sentence of the paragraph, concerning the meaning of "source and special fissionable materials", created the same problems as paragraph 9 of the Talking Points. Mr. Kratzer suggested

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that the reference in the first sentence of paragraph (16) of the draft Statement to "The Federal Republic of Germany" be changed to read "each Party to the Treaty" and that "it" in the second sentence be changed to "the FRG".

Reverting to Talking Point 6, Mr. Farley noted that statements of then Foreign Minister Brandt on this question had always been cast along the lines "that continued effectiveness of NATO was essential to favorable FRG considerations of the NPT." The talking point, on the other hand, cited Secretary Rusk's October 2, 1968 statement to the UNGA. The difficulty here was that the commitments referred to had not been made in the past to the Federal Republic as such, but dated back to a period prior to the existence of the FRG and concerned Germany as a whole. Ambassador Roth explained that the FRG had a problem with respect to its security which was distinct from that of other allies. It was for this reason that his government attached importance to a US reference to commitments to West Germany and Berlin for the period until German reunification became possible. He expressed the hope that the US could agree to language similar to that of the Rusk statement, which would be sufficient so long as the basic point was covered. Mr. Farley said he would keep Ambassador Roth's arguments in mind in drawing up language to reaffirm earlier US statements relating to NATO and the NPT. Both sides recognized the need to point in the agreed minutes to a November 7 deadline for drawing up the US statement.



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## ANNEX

Subject: US-German NPT Discussions  
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Participants:

## ACDA

Mr. Philip J. Farley, Deputy Director  
Mr. Culver Gleysteen, Acting Assistant Director, ACDA/IR  
Mr. Charles N. Van Doren, Deputy General Counsel, ACDA/GC  
Mr. Benjamin Huberman, ACDA/ST  
Mr. Herbert S. Malin, ACDA/IR  
Mr. Hanno Weisbrod, ACDA/IR

## State Department

James S. Sutterlin, EUR/GER  
James E. Goodby, EUR/RPE  
Robert A. Stein, L/EUR

## Atomic Energy Commission

Mr. M.B. Kratzer, Assistant General Manager for International Activities, AEC/GM  
Mr. H.D. Bengelsdorf, Assistant to Asst. General Manager for International Activities, AEC/GM  
Mr. A.M. Labowitz, Special Assistant for Disarmament, AEC/GM  
Mr. W.A. Strauser, Assistant Director for International Programs, AEC/SM

## Defense Department

Col. Burr J. Randall, Jr., OSD/ISA

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German Delegation

Col. Helmut Roth, Chief, Disarmament Section, German Foreign Office  
Mr. Rolf Ramisch, Disarmament Section, German Foreign Office  
Dr. Dieter Gescher, Disarmament Section, German Foreign Office  
Dr. Wolf Haefele, Director of the Applied Physics Institute,  
Karlsruhe  
Mr. Adolf von Wagner, Second Secretary, German Embassy  
Mr. Heinz Weber, Interpreter